



94-490-A
498

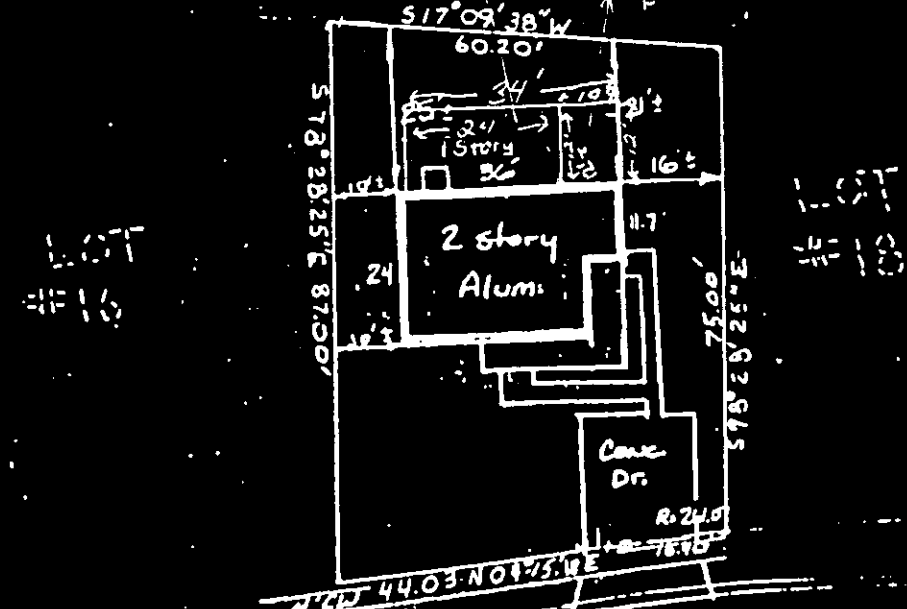
BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	PERRY HALL	ME. 9-8
DATE OF PHOTOGRAPHY JANUARY 1988		

Plan to accompany hearing -
M/M John P. Thaler
3 Kristal Ct
Baltimore MD 21236

This plan shows that (1) the improvements are located as indicated within or on the perimeter of the property, (2) there are no encroachments of existing improvements located on said land and (3) there are no encroachments onto said land of existing improvements located on adjoining land or except as shown.



FINAL CERTIFICATION
SECTION II
SILVERGATE SOUTH ADDITION
#3 KRISTAL COURT
LOT #17 E.H.K. & R. B. CO.
BALTIMORE CO. MD. 11 "ELEC. DIST."

This is to certify that the improvements indicated hereon are located as shown. This is not a property line survey and should not be used as such.

**PETITIONER'S
EXHIBIT 1**

Azimuth Consultants, Inc.
4900 Belair Road
Baltimore, Md. 21206

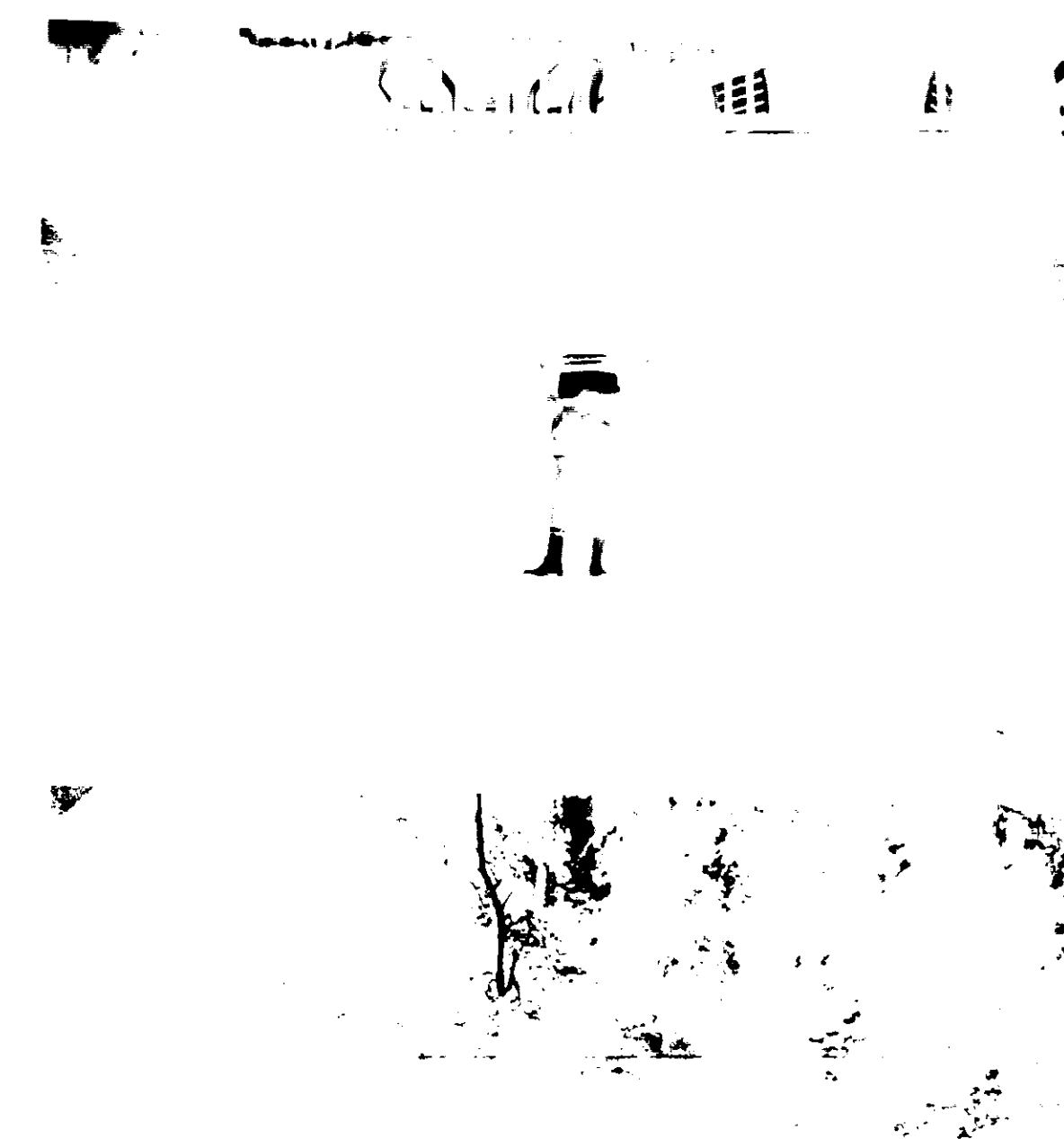
Scale: 1"=30' Date: 7-8-84



ADDN. TO Replace Deck
+ PERK

**PETITIONER'S
EXHIBIT 2**

Petitioner's
Exhibit 3
2 photographs
of rear property
(see 94-470-A)



**PETITIONER'S
EXHIBIT 4**

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 20, 1994
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section RM 2-11
RE: Zoning Advisory Committee Meeting 1801
for June 20, 1994
Item No. 478

The Developers Engineering Section has reviewed the subject zoning item. An existing 100-year flood plain reservation runs along the eastern property line of this lot. Per the Department of Public Works Standard Plate D-19 in the Baltimore County Design Manual, the rear of a building may not be constructed within 20 feet of the limits of the flood plain as established for a 100-year flood level with a 1 foot freeboard.

RWB:sw

FLOOD
CONTINUED STUDY WILL FIND AT FIRM
CALL BACK

PUBLIC WORKS.

FLOOD PLAIN
OPEN SPACE

I have review this floodplain
issue again and agree that
the 20 setback (flood plain)
can be reduce down to the
10 feet as shown on the
attached exhibit.

Robert W. Bowling
7/29/94

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 06/14/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
PH: 887-4500

RE: Property Owners SEE BELOW

LOCATION: SEE BELOW

Item No: SEE BELOW

Continued:

Pursuant to your request, the requested property has been surveyed by this Bureau and the owner's survey is available and required to be accepted or incorporated into the final plans for the property.

5. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 471, 472, 473, 474, 476, 477, 478, 479 AND 480.

RECEIVED
JUN 14 1994
ZADM

REVIEWED: LT. ROBERT P. SWEENEY
Fire Marshal Office, ROOM 407-4081, PG-1100F

cc: FUG

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 21, 1994

(410) 887-3353

Mr. and Mrs. John P. Thaler
3 Kristal Court
Baltimore, Maryland 21236

RE: Case No. 94-490-A, Item No. 478
Petition for Administrative Variance

Dear Mr. and Mrs. Thaler:

Enclosed are copies of comments received from the Developers Engineering Section of the Department of Public Works on June 21, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,
Charlotte Minton
Charlotte Minton

Enclosure

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 20, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for June 20, 1994
Item No. 478

74-493-A

The Developers Engineering Section has reviewed the subject zoning item. An existing 100-year flood plain reservation runs along the eastern property line of this lot. Per the Department of Public Works Standard Plate D-19 in the Baltimore County Design Manual, the rear of a building may not be constructed within 20 feet of the limits of the flood plain as established for a 100-year flood level with a 1 foot freeboard.

RWB:aw

Baltimore County Government
Office of Zoning Administration and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

June 8, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: John P. Thaler and Suzanne J. Thaler
3 Kristal Court
Baltimore, Maryland 21236

RE: CASE No. 94-490-A (Item 478)
3 Kristal Court
E/S Kristal Court, 101' 8" of E/O Garland Avenue
11th Election District - 6th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 12, 1994. The closing date (June 27, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be posted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the posting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Arnold Jablon
Director

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

June 29, 1994

(410) 887-3353

Mr. and Mrs. John P. Thaler
3 Kristal Court
Baltimore, Maryland 21236

Re: Case No. 94-490-A

Dear Mr. and Mrs. Thaler:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case. Formal notification of the hearing date will be forwarded to you shortly.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in a newspaper of general circulation. This office will ensure that the legal requirements for posting and advertising are satisfied; the policy change will effect to whom and when these fees are paid.

Posting charges in the amount of \$35.00 are now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and mailed immediately to this office.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

Please be further advised that non-payment of fees will stay the issuance of the Zoning Commissioner's Order.

If you have any questions concerning this letter, you may contact Owen Stephens at 887-3391.

Very truly yours,
Arnold Jablon
ARNOLD JABLON, DIRECTOR

Printed with Soybean Ink on Recycled Paper

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JOHN P. THALER	3 KRISTAL CT
Suzanne J. Thaler	21236

423673

94-490-A

AGENDA/WORKSHEET

Check wording ☒

Fill in filing date ☒

Estimated time ☒

Attorney's number ☒

Prior hearings ☒

Violation ☒

Development ☒

Alternative name ☒

Case number 94-490-A

Hearing/Closing date ☒

TYPEWRITTEN WORK

Administrative List ☒

Notice Case Number ☒

"mailed to parties" ☒

Index Cards ☒

1 card w/plat to Dave ☒

1 card alphabetical ☒

1 card numeric ☒

Month 20 Document ☒

Notice/AD copy ☒

Notice to parties ☒

AD copy to AD bin ☒

Index Cards ☒

1 card, plat to Dave ☒

1 card alphabetical ☒

1 card numeric ☒

NO STAR - BOTH

*ONE STAR - ADMINISTRATIVE

**TWO STARS - OTHERS

Printed with Soybean Ink on Recycled Paper

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3 Kristal Court

Subdivision name: Section Two Silvergate South Addition

Plat book: 52, lot: 124, lot: 17, section: 02

OWNER: John P. Thaler and Suzanne J. Thaler

Tax Acct #: 20-00-001404

See pages 5 & 6 of the CHECKLIST for additional required information

SI 107

18000 KRISTAL COURT

1"=200'

North
date: 6/3/94
prepared by: Caldwell

Scale of Drawing: 1"=50'

LOCATION INFORMATION

Election District: 11

Councilmanic District: 6

1"=200' scale map: 52-126

Zoning: D.R.-5.5

Lot size: 2.0 acreage 8742 square feet

SEWER: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☒

Prior Zoning Hearing: NONE

Zoning Office USE ONLY!

reviewed by: 478 ITEM #: CASE#:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/1/94

Posted for: Veronica

Petitioner: John P. Thaler, Suzanne J. Thaler

Location of property: 3 Kristal Ct., FB

Location of Signs: Living Room, entry, property back road

Remarks:

Posted by: [Signature] Date of return: 7/15/94

Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/15/94

Posted for: Veronica

Petitioner: John P. Thaler, Suzanne J. Thaler

Location of property: 3 Kristal Ct., FB

Location of Signs: Living Room, entry, property back road

Remarks:

Posted by: [Signature] Date of return: 7/15/94

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/15, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/14, 1994.

THE JEFFERSONIAN,
A. Hennehan
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case: 94-490-A
Item 478
3 Kristal Court
6/5 Kristal Court, 101' S of c/l Garland Avenue
11th Election District - 6th Councilmanic
Legal Owner(s): John Patrick Thaler and Suzanne Joyce Thaler
Hearing: Wednesday, August 3, 1994 at 11:00 a.m. in Rm. 118, Old Courthouse.
Variance to allow rear yard setbacks, window to property line of 10 ft. for an open deck and 12 ft. for an addition in lieu of the required 11-1/4 ft. and 15 ft. respectively.
NOTES: (1) Hearings are handicapped accessible for special accommodations. Please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3353, 7/15, July 14.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/15, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/14, 1994.

THE JEFFERSONIAN,
A. Hennehan
LEGAL AD. - TOWSON

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(2) For information concerning the file and/or hearing, please call 887-3353, 7/15, July 14.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 148855

DATE: 7/16/94 ACCOUNT: R-001-6130

AMOUNT: \$ 35.00

RECEIVED FROM: John Thaler

FOR: Sign Posting Fee

PAID BY CHECK: 135.00

VALIDATION OR SIGNATURE OF CASHIER: [Signature]

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-490-A (Item 478)
3 Kristal Court
6/5 Kristal Court, 101' S of c/l Garland Avenue
11th Election District - 6th Councilmanic
Legal Owner(s): John Patrick Thaler and Suzanne Joyce Thaler
HEARING: WEDNESDAY, AUGUST 3, 1994 at 11:00 a.m. in Rm. 118 Old Courthouse

Variance to allow rear yard setbacks, window to property line of 10 ft. for an open deck and 12 ft. for an addition in lieu of the required 11-1/4 ft. and 15 ft. respectively.

LAWRENCE E. SCHWIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD. 21204 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-490-A (Item 478)
3 Kristal Court
6/5 Kristal Court, 101' S of c/l Garland Avenue
11th Election District - 6th Councilmanic
Legal Owner(s): John Patrick Thaler and Suzanne Joyce Thaler
HEARING: WEDNESDAY, AUGUST 3, 1994 at 11:00 a.m. in Rm. 118 Old Courthouse

Variance to allow rear yard setbacks, window to property line of 10 ft. for an open deck and 12 ft. for an addition in lieu of the required 11-1/4 ft. and 15 ft. respectively.

Carl J. J...
Arnold Jablon
Director

cc: John P. and Suzanne J. Thaler

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

June 17, 1994

Mr. & Mrs. John P. Thaler
3 Kristal Court
Baltimore, MD 21236

RE: Case No. 94-490-A, Item No. 478
Petition for Administrative Variance
Petitioner: John P. Thaler, et ux

Dear Mr. & Mrs. Thaler:

The above-referenced petition and accompanying plans were accepted for filing on June 3, 1994 and a hearing was scheduled accordingly. Respectively, the Zoning Advisory Committee (ZAC) has reviewed those plans. Enclosed are copies of the comments received to date from the reviewing agency/agencies offering or requesting information on the petition. These comments are not intended to indicate the appropriateness of the zoning action requested, but rather to ensure that all parties; i.e., zoning commissioner, attorney, and/or petitioner, are aware of any issues that may have a bearing on this case. Should we receive any additional informative comments, they will be forwarded to you immediately. (Comments that are not informative are placed in the case file; you will not receive a copy.)

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of the Office of Zoning Administration and Development Management has instituted a system whereby those zoning attorneys who regularly file petitions that comply with all aspects of the zoning regulations and petition(s) filing requirements can file their petition(s) with this office without the necessity of a preliminary review by zoning personnel. However, previous staff reviews and violations must be identified at that time.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-10-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 478 (J55)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID N. RAMSEY, ACTING CHIEF
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 14, 1994

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

94-490-A

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 448, 462, 463, 464, 468, 470, 471, 472, 473, 474, 477, **478**, 479 and 480.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Carol K...

PK/JL:lw

ZAC. 448/PZONE/ZAC1

IN RE: PETITION FOR VARIANCE
E/S Kristal Court, 101' S of
the c/l of Garland Avenue
(3 Kristal Court)
11th Election District
5th Councilmanic District
John P. Thaler, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-490-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter originally came before this Deputy Zoning Commission-
er as a Petition for Administrative Variance filed by the owners of the
property, John P. and Suzanne J. Thaler. The Petitioners sought relief
from Sections 301.1.A and 504 of the Baltimore County Zoning Regulations
(B.C.Z.R.) (Section V.B.6.B of the Comprehensive Manual of Development
Policies (C.M.D.P.)) to permit a rear yard setback of 10 feet in lieu of
the minimum required 11 and 1/4 feet for an open deck and a window to
property line of 12 feet in lieu of the required 15 feet for a proposed
addition. A review of the case file revealed adverse comments were re-
ceived from the Developers Engineering Section of the Department of Public
Works dated June 20, 1994. As a result of these negative comments, this
Deputy Zoning Commissioner requested a public hearing be held to determine
the appropriateness of the variance relief sought. The matter was then
scheduled and a public hearing held before me on August 3, 1994.

Appearing on behalf of the Petition were John P. and Suzanne J.
Thaler, property owners. There were no Protestants present at the hearing.

Testimony and evidence offered revealed that the subject property,
known as Kristal Court, consists of .20 acres, more or less, zoned D.R.
5.5 and is improved with a single family dwelling. The Petitioners are
desirous of constructing a one-story 12' x 24' addition on the rear of the

dwelling and attaching a 10' x 12' deck thereto in accordance with the
site plan submitted into evidence as Petitioner's Exhibit 1. Testimony
indicated that additional living space on the first floor is needed for an
older relative who may be moving in with them. Due to the location of the
existing dwelling on the property, the requested variances are necessary
in order to proceed as proposed. Testimony indicated that an existing
deck across the rear of the dwelling will be removed and replaced with the
proposed addition and attached deck.

Further testimony revealed that a small stream existing along the
rear property line falls within the 100-year flood plain. Pursuant to the
comments submitted by Robert W. Bowling, Chief of the Developers Engineer-
ing Section of the Department of Public Works dated June 20, 1994, the
Petitioners were advised that the rear of the proposed addition could not
be located within 20 feet of the limits of this flood plain. However, by
revised comment dated July 29, 1994, which was introduced as Petitioner's
Exhibit 4, that agency amended its position to allow the requested 10-foot
setback to the rear property line. Apparently, the existing dwelling is
located 20 feet higher than the stream itself and because of its location
at a higher elevation, the Developers Engineering Section has agreed to
allow the requested variance. There being no other adverse comments sub-
mitted by any other Baltimore County reviewing agency, nor any Protestants
present at the hearing, it appears the relief requested should be granted.

An area variance may be granted where strict application of the
zoning regulations would cause practical difficulty to the Petitioner and
his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical
difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

- 2 -

permitted purpose or render conformance unnecessarily burdensome;

- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

It is clear from the testimony that if the variance is granted,
such use, as proposed, will not be contrary to the spirit of the B.C.Z.R.
and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented,
it is clear that practical difficulty or unreasonable hardship will result
if the variance is not granted. It has been established that special
circumstances or conditions exist that are peculiar to the land or struc-
ture which is the subject of this variance request and that the require-
ments from which the Petitioner seeks relief will unduly restrict the use
of the land due to the special conditions unique to this particular parcel.
In addition, the variance requested will not cause any injury to the pub-
lic health, safety or general welfare. Further, the granting of the Peti-
tioner's request is in strict harmony with the spirit and intent of the
B.C.Z.R.

Pursuant to the advertisement, posting of the property, and
public hearing on this Petition held, and for the reasons given above, the
variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for
Baltimore County this 11th day of August, 1994 that the Petition for

- 3 -

Variance seeking relief from Sections 301.1.A and 504 of the Baltimore
County Zoning Regulations (B.C.Z.R.) (Section V.B.6.B of the Comprehensive
Manual of Development Policies (C.M.D.P.)) to permit a rear yard setback
of 10 feet in lieu of the minimum required 11 and 1/4 feet for an open
deck and a window to property line of 12 feet in lieu of the required 15
feet for a proposed addition in accordance with Petitioner's Exhibit 1, be
and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

TMK:bjs

Timothy M. Motroco
TIMOTHY M. MOTROCO
Deputy Zoning Commissioner
for Baltimore County

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 11, 1994

(410) 887-4386

Mr. & Mrs. John P. Thaler
3 Kristal Court
Baltimore, Maryland 21236

RE: PETITION FOR VARIANCE
E/S Kristal Court, 101' S of the c/l of Garland Avenue
(3 Kristal Court)
11th Election District - 5th Councilmanic District
John P. Thaler, et ux - Petitioners
Case No. 94-490-A

Dear Mr. & Mrs. Thaler:

Enclosed please find a copy of the decision rendered in the
above-captioned matter. The Petition for Variance has been granted in
accordance with the attached Order.

In the event any party finds the decision rendered is unfavor-
able, any party may file an appeal to the County Board of Appeals within
thirty (30) days of the date of this Order. For further information on
filing an appeal, please contact the Zoning Administration and Development
Management office at 887-3391.

Very truly yours,

Timothy M. Motroco
TIMOTHY M. MOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

**Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County
for the property located at 3 Kristal Ct, Balto MD 21236**

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)
301.1A, 504 (VB6B) To allow rear yard setbacks, window to property line of
10 ft. for an open deck and 12 ft. for an addition in lieu of the required 11 1/4
ft. and 15 ft. respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

The strong possibility exists that an elderly relative (87 yrs. old) may have to move in with us. More living space without steps will be needed + current zoning regulations cannot be met on our property.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contact Purchaser/Lease

(Type or Print Name)

Signature

Address

City

State

Zip Code

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City

State

Zip Code

Legal Owner(s)

(Type or Print Name)

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94-490-A
498

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	PERRY HALL	ME. 9-8
DATE OF PHOTOGRAPHY JANUARY 1988		

Plan to accompany hearing -
M/M John P. Thaler
3 Kristal Ct
Baltimore MD 21236

LOT #16

2 story Alum.
Cable Dr.

KRISTAL COURT 9/10/50

74-470-A

FINAL CERTIFICATION
SECTION II
SILVERGATE SOUTH ADDITION
#3 KRISTAL COURT
LOT #16 E.H.K. & R. B. BING
BALTIMORE CO. MD. II "ELEC. DIST."

This is to certify that the improvements indicated hereon are located on the shown lands not a properly line survey and should not be used as such.

PETITIONER'S EXHIBIT 1

Azimuth Consultants, Inc.
4900 Belair Road
Baltimore, Md. 21206

Scale: 1"=30' Date: 7-8-84

74-470-A

478

478

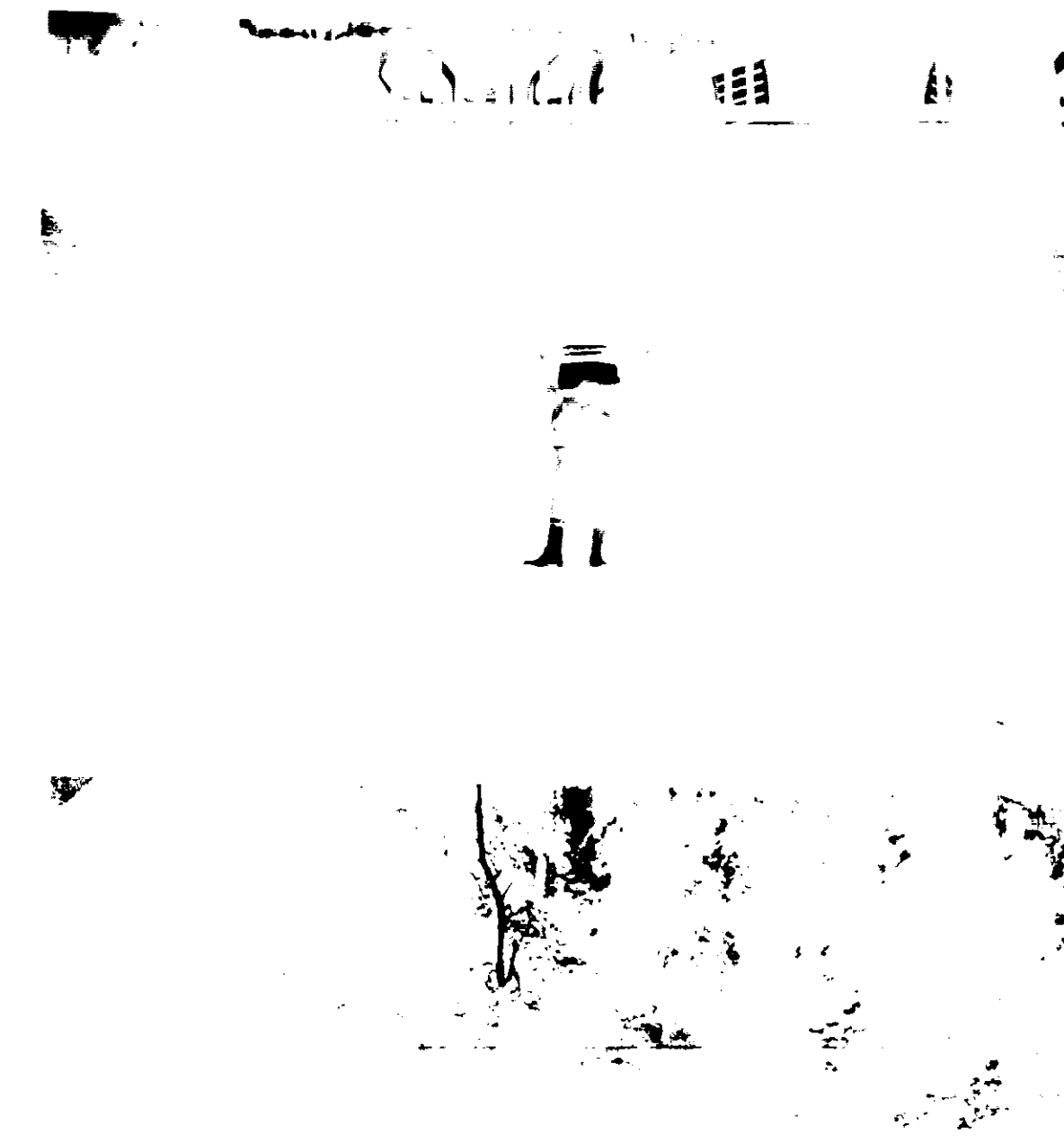
PETITIONER'S EXHIBIT 2

ADDN. TO Replace Deck
F.P.K.

Petitioner's Exhibit 3

2 photographs of rear property

Case 94-470-A



PETITIONER'S EXHIBIT 4

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 20, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section RMB:11

RE: Zoning Advisory Committee Meeting for June 20, 1994
Item No. 478

The Developers Engineering Section has reviewed the subject zoning item. An existing 100-year flood plain reservation runs along the eastern property line of this lot. Per the Department of Public Works Standard Plate D-19 in the Baltimore County Design Manual, the rear of a building may not be constructed within 20 feet of the limits of the flood plain as established for a 100-year flood level with a 1 foot freeboard.

RWB:sw

FLOOD
CONTINUING STUDY WILL FIND AT FIRM CALL BACK
PUBLIC WORKS.

I have review this floodplain issue again and agree that the 20 setback (flood plain) can be reduce down to the 10 feet as shown on the attached exhibit. Robert W. Bowling
7/29/94

FLOOD PLAIN
OPEN SPACE

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 06/14/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
PH: 887-4500

RE: Property Owners SEE BELOW

LOCATION: SEE BELOW

Item No: SEE BELOW

Continued:

Pursuant to your request, the requested property has been surveyed by this Bureau and the survey's data are available and required to be accepted or incorporated into the final plans for the property.

5. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 471, 472, 473, 474, 476, 477, 478, 479 AND 480.

RECEIVED
JUN 14 1994
ZADM

REVIEWED: LT. ROBERT P. SWEENEY
Fire Marshal Office, ROOM 407-4081, PG-1100F

cc: FUG

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

June 21, 1994

Mr. and Mrs. John P. Thaler
3 Kristal Court
Baltimore, Maryland 21236

RE: Case No. 94-490-A, Item No. 478
Petition for Administrative Variance

Dear Mr. and Mrs. Thaler:

Enclosed are copies of comments received from the Developers Engineering Section of the Department of Public Works on June 21, 1994 for the above-referenced case.

If there are any questions, please do not hesitate to call me at 887-3391.

Sincerely,
Charlotte Minton
Charlotte Minton

Enclosure

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: June 20, 1994
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief
Developers Engineering Section

RE: Zoning Advisory Committee Meeting
for June 20, 1994
Item No. 478

74-493-A

The Developers Engineering Section has reviewed the subject zoning item. An existing 100-year flood plain reservation runs along the eastern property line of this lot. Per the Department of Public Works Standard Plate D-19 in the Baltimore County Design Manual, the rear of a building may not be constructed within 20 feet of the limits of the flood plain as established for a 100-year flood level with a 1 foot freeboard.

RWB:aw

Baltimore County Government
Office of Zoning Administration and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

June 8, 1994

NOTICE OF CASE NUMBER ASSIGNMENT

TO: John P. Thaler and Suzanne J. Thaler
3 Kristal Court
Baltimore, Maryland 21236

RE: CASE No. 94-490-A (Item 478)
3 Kristal Court
E/S Kristal Court, 101' 8" of E/O Garland Avenue
11th Election District - 6th Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before June 12, 1994. The closing date (June 27, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be posted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the posting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Arnold Jablon
Arnold Jablon
Director

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

June 29, 1994

Mr. and Mrs. John P. Thaler
3 Kristal Court
Baltimore, Maryland 21236

Re: Case No. 94-490-A

Dear Mr. and Mrs. Thaler:

A formal REQUEST FOR PUBLIC HEARING has been filed in your case. Formal notification of the hearing date will be forwarded to you shortly.

As you recall, it now becomes necessary to repost the property and run notice of the hearing in a newspaper of general circulation. This office will ensure that the legal requirements for posting and advertising are satisfied; the policy change will effect to whom and when these fees are paid.

Posting charges in the amount of \$35.00 are now due. Your check in this amount should be made payable to "Baltimore County, Maryland" and mailed immediately to this office.

Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

Please be further advised that non-payment of fees will stay the issuance of the Zoning Commissioner's Order.

If you have any questions concerning this letter, you may contact Owen Stephens at 887-3391.

Very truly yours,
Arnold Jablon
ARNOLD JABLON, DIRECTOR

Printed with Soybean Ink on Recycled Paper

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
JOHN P. THALER	3 KRISTAL CT
Suzanne J. Thaler	21236

423673

94-490-A

AGENDA/WORKSHEET

Check wording ☒

Fill in filing date ☒

Estimated time ☒

Attorney's number ☒

Prior hearings ☒

Violation ☒

Development ☒

Alternative name ☒

Case number 94-490-A

Hearing/Closing date ☒

TYPEWRITTEN WORK

Administrative List ☒

Notice Case Number ☒

"mailed to parties" ☒

Index Cards ☒

1 card w/plat to Dave ☒

1 card alphabetical ☒

1 card numeric ☒

Month 20 Document ☒

Notice/AD copy ☒

Notice to parties ☒

AD copy to AD bin ☒

Index Cards ☒

1 card, plat to Dave ☒

1 card alphabetical ☒

1 card numeric ☒

NO STAR - BOTH

*ONE STAR - ADMINISTRATIVE

**TWO STARS - OTHERS

Printed with Soybean Ink on Recycled Paper

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 3 Kristal Court

Subdivision name: Section Two Silvergate South Addition

Plat book: 52, lot: 124, lot: 17, section: 02

OWNER: John P. Thaler and Suzanne J. Thaler

Tax Acct #: 20-00-001404

See pages 5 & 6 of the CHECKLIST for additional required information

SI 107

18000 KRISTAL COURT

1"=200'

North
date: 6/3/94
prepared by: Caldwell

Scale of Drawing: 1"=50'

LOCATION INFORMATION

Election District: 11

Councilmanic District: 6

1"=200' scale map: 52-126

Zoning: D.R.-5.5

Lot size: 2.0 acreage 8742 square feet

SEWER: ☒ WATER: ☒

Chesapeake Bay Critical Area: ☒

Prior Zoning Hearing: NONE

Zoning Office USE ONLY!

reviewed by: 478 ITEM #: CASE#:

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/1/94

Posted for: Veronica

Petitioner: John P. Thaler, Suzanne J. Thaler

Location of property: 3 Kristal Ct., FB

Location of Signs: Living Room, entry, on property, back yard

Remarks:

Posted by: [Signature] Date of return: 7/15/94

Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 11th Date of Posting: 7/15/94

Posted for: Veronica

Petitioner: John P. Thaler, Suzanne J. Thaler

Location of property: 3 Kristal Ct., FB

Location of Signs: Living Room, entry, on property, back yard

Remarks:

Posted by: [Signature] Date of return: 7/15/94

Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/15, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/14, 1994.

THE JEFFERSONIAN,
A. Hennehan
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Case: 94-490-A
Item 478
3 Kristal Court
6/5 Kristal Court, 101' S of c/l Garland Avenue
11th Election District - 6th Councilmanic
Legal Owner(s): John Patrick Thaler and Suzanne Joyce Thaler
Hearing: Wednesday, August 3, 1994 at 11:00 a.m. in Rm. 118, Old Courthouse.
Variance to allow rear yard setbacks, window to property line of 10 ft. for an open deck and 12 ft. for an addition in lieu of the required 11-1/4 ft. and 15 ft. respectively.
NOTES: (1) Hearings are handicapped accessible for special accommodations. Please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3353.
July 14.

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/15, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/14, 1994.

THE JEFFERSONIAN,
A. Hennehan
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
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NOTES: (1) Hearings are handicapped accessible for special accommodations. Please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3353.
July 14.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE, REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 148855

DATE: 7/16/94 ACCOUNT: R-001-6130

AMOUNT: \$ 35.00

RECEIVED FROM: John Thaler

FOR: Sign Posting Fee

PAID BY CHECK: 135.00

VALIDATION OR SIGNATURE OF CASHIER: [Signature]

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-490-A (Item 478)
3 Kristal Court
6/5 Kristal Court, 101' S of c/l Garland Avenue
11th Election District - 6th Councilmanic
Legal Owner(s): John Patrick Thaler and Suzanne Joyce Thaler
HEARING: WEDNESDAY, AUGUST 3, 1994 at 11:00 a.m. in Rm. 118 Old Courthouse

Variance to allow rear yard setbacks, window to property line of 10 ft. for an open deck and 12 ft. for an addition in lieu of the required 11-1/4 ft. and 15 ft. respectively.

LAWRENCE E. SCHWIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-490-A (Item 478)
3 Kristal Court
6/5 Kristal Court, 101' S of c/l Garland Avenue
11th Election District - 6th Councilmanic
Legal Owner(s): John Patrick Thaler and Suzanne Joyce Thaler
HEARING: WEDNESDAY, AUGUST 3, 1994 at 11:00 a.m. in Rm. 118 Old Courthouse

Variance to allow rear yard setbacks, window to property line of 10 ft. for an open deck and 12 ft. for an addition in lieu of the required 11-1/4 ft. and 15 ft. respectively.

Carl J. J...
Arnold Jablon
Director

cc: John P. and Suzanne J. Thaler

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3353.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

June 17, 1994

Mr. & Mrs. John P. Thaler
3 Kristal Court
Baltimore, MD 21236

RE: Case No. 94-490-A, Item No. 478
Petition for Administrative Variance
Petitioner: John P. Thaler, et ux

Dear Mr. & Mrs. Thaler:

The above-referenced petition and accompanying plans were accepted for filing on June 3, 1994 and a hearing was scheduled accordingly. Respectively, the Zoning Advisory Committee (ZAC) has reviewed those plans. Enclosed are copies of the comments received to date from the reviewing agency/agencies offering or requesting information on the petition. These comments are not intended to indicate the appropriateness of the zoning action requested, but rather to ensure that all parties; i.e., zoning commissioner, attorney, and/or petitioner, are aware of any issues that may have a bearing on this case. Should we receive any additional informative comments, they will be forwarded to you immediately. (Comments that are not informative are placed in the case file; you will not receive a copy.)

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of the Office of Zoning Administration and Development Management has instituted a system whereby those zoning attorneys who regularly file petitions that comply with all aspects of the zoning regulations and petition(s) filing requirements can file their petition(s) with this office without the necessity of a preliminary review by zoning personnel. However, previous staff reviews and violations must be identified at that time.

Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

6-10-94

Ms. Charlotte Minton
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 478 (J55)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID N. RAMSEY, ACTING CHIEF
Engineering Access Permits
Division

BS/

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: June 14, 1994

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

94-490-A

The Office of Planning and Zoning has no comments on the following petition(s):
Item Nos. 448, 462, 463, 464, 468, 470, 471, 472, 473, 474, 477, **478**, 479 and 480.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Carol K...

PK/JL:lw

ZAC. 448/PZONE/ZAC1

IN RE: PETITION FOR VARIANCE
E/S Kristal Court, 101' S of
the c/l of Garland Avenue
(3 Kristal Court)
11th Election District
5th Councilmanic District
John P. Thaler, et ux
Petitioners

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 94-490-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter originally came before this Deputy Zoning Commission-
er as a Petition for Administrative Variance filed by the owners of the
property, John P. and Suzanne J. Thaler. The Petitioners sought relief
from Sections 301.1.A and 504 of the Baltimore County Zoning Regulations
(B.C.Z.R.) (Section V.B.6.B of the Comprehensive Manual of Development
Policies (C.M.D.P.)) to permit a rear yard setback of 10 feet in lieu of
the minimum required 11 and 1/4 feet for an open deck and a window to
property line of 12 feet in lieu of the required 15 feet for a proposed
addition. A review of the case file revealed adverse comments were re-
ceived from the Developers Engineering Section of the Department of Public
Works dated June 20, 1994. As a result of these negative comments, this
Deputy Zoning Commissioner requested a public hearing be held to determine
the appropriateness of the variance relief sought. The matter was then
scheduled and a public hearing held before me on August 3, 1994.

Appearing on behalf of the Petition were John P. and Suzanne J.
Thaler, property owners. There were no Protestants present at the hearing.

Testimony and evidence offered revealed that the subject property,
known as Kristal Court, consists of .20 acres, more or less, zoned D.R.
5.5 and is improved with a single family dwelling. The Petitioners are
desirous of constructing a one-story 12' x 24' addition on the rear of the

dwelling and attaching a 10' x 12' deck thereto in accordance with the
site plan submitted into evidence as Petitioner's Exhibit 1. Testimony
indicated that additional living space on the first floor is needed for an
older relative who may be moving in with them. Due to the location of the
existing dwelling on the property, the requested variances are necessary
in order to proceed as proposed. Testimony indicated that an existing
deck across the rear of the dwelling will be removed and replaced with the
proposed addition and attached deck.

Further testimony revealed that a small stream existing along the
rear property line falls within the 100-year flood plain. Pursuant to the
comments submitted by Robert W. Bowling, Chief of the Developers Engineer-
ing Section of the Department of Public Works dated June 20, 1994, the
Petitioners were advised that the rear of the proposed addition could not
be located within 20 feet of the limits of this flood plain. However, by
revised comment dated July 29, 1994, which was introduced as Petitioner's
Exhibit 4, that agency amended its position to allow the requested 10-foot
setback to the rear property line. Apparently, the existing dwelling is
located 20 feet higher than the stream itself and because of its location
at a higher elevation, the Developers Engineering Section has agreed to
allow the requested variance. There being no other adverse comments sub-
mitted by any other Baltimore County reviewing agency, nor any Protestants
present at the hearing, it appears the relief requested should be granted.

An area variance may be granted where strict application of the
zoning regulations would cause practical difficulty to the Petitioner and
his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical
difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would
unreasonably prevent the use of the property for a

- 2 -

permitted purpose or render conformance unnecessarily
burdensome;

- 2) whether the grant would do substantial injustice
to applicant as well as other property owners in the
district or whether a lesser relaxation than that
applied for would give substantial relief; and

- 3) whether relief can be granted in such fashion
that the spirit of the ordinance will be observed and
public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28
(1974).

It is clear from the testimony that if the variance is granted,
such use, as proposed, will not be contrary to the spirit of the B.C.Z.R.
and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented,
it is clear that practical difficulty or unreasonable hardship will result
if the variance is not granted. It has been established that special
circumstances or conditions exist that are peculiar to the land or struc-
ture which is the subject of this variance request and that the require-
ments from which the Petitioner seeks relief will unduly restrict the use
of the land due to the special conditions unique to this particular parcel.
In addition, the variance requested will not cause any injury to the pub-
lic health, safety or general welfare. Further, the granting of the Peti-
tioner's request is in strict harmony with the spirit and intent of the
B.C.Z.R.

Pursuant to the advertisement, posting of the property, and
public hearing on this Petition held, and for the reasons given above, the
variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for
Baltimore County this 11th day of August, 1994 that the Petition for

- 3 -

Variance seeking relief from Sections 301.1.A and 504 of the Baltimore
County Zoning Regulations (B.C.Z.R.) (Section V.B.6.B of the Comprehensive
Manual of Development Policies (C.M.D.P.)) to permit a rear yard setback
of 10 feet in lieu of the minimum required 11 and 1/4 feet for an open
deck and a window to property line of 12 feet in lieu of the required 15
feet for a proposed addition in accordance with Petitioner's Exhibit 1, be
and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building
permit and be granted same upon receipt of this Order;
however, Petitioners are hereby made aware that pro-
ceeding at this time is at their own risk until such
time as the 30-day appellate process from this Order
has expired. If, for whatever reason, this Order is
reversed, the relief granted herein shall be rescinded.

TMK:bjs

Timothy M. Motroco
TIMOTHY M. MOTROCO
Deputy Zoning Commissioner
for Baltimore County

- 4 -

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

August 11, 1994

(410) 887-4386

Mr. & Mrs. John P. Thaler
3 Kristal Court
Baltimore, Maryland 21236

RE: PETITION FOR VARIANCE
E/S Kristal Court, 101' S of the c/l of Garland Avenue
(3 Kristal Court)
11th Election District - 5th Councilmanic District
John P. Thaler, et ux - Petitioners
Case No. 94-490-A

Dear Mr. & Mrs. Thaler:

Enclosed please find a copy of the decision rendered in the
above-captioned matter. The Petition for Variance has been granted in
accordance with the attached Order.

In the event any party finds the decision rendered is unfavor-
able, any party may file an appeal to the County Board of Appeals within
thirty (30) days of the date of this Order. For further information on
filing an appeal, please contact the Zoning Administration and Development
Management office at 887-3391.

Very truly yours,

Timothy M. Motroco
TIMOTHY M. MOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: People's Counsel

File

**Petition for Administrative Variance
to the Zoning Commissioner of Baltimore County
for the property located at 3 Kristal Ct, Balto MD 21236**

which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached
hereto and made a part hereof, hereby petition for a Variance from Section(s)
301.1A, 504 (VB6B) To allow rear yard setbacks, window to property line of
10 ft. for an open deck and 12 ft. for an addition in lieu of the required 11 1/4
ft. and 15 ft. respectively.
of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or
practical difficulty)

The strong possibility exists that an elderly
relative (87 yrs. old) may have to move in with us. More living
space without steps will be needed + current zoning regulations
cannot be met on our property.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to
be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the
legal owner(s) of the property which is the subject of this Petition.

Contact Purchaser/Lease

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City

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